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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**

14
15 UNITED STATES,

16 Plaintiff,

17 vs.

18 HAO ZHANG, ET AL.,

19 Defendants.

Case No.: CR 15-00106 EJD

**JOINT STATUS CONFERENCE
STATEMENT**

Date: December 14, 2015
Time: 1:30 p.m.

20
21 The parties in the above-entitled action hereby submit this joint status conference statement
22 to assist the Court with respect to the December 14, 2015 status conference. At the last status
23 conference before this Court on September 14, 2015, the Court ordered that this joint statement be
24 filed by December 7, 2015.

25
26 There have been several developments in this case since the parties last appeared before the
27 Court in September. On October 20, 2015, the parties stipulated and the Magistrate Judge ordered
28 that Defendant Zhang's GPS monitoring requirement be modified. Pursuant to the new order,

1 Defendant Zhang is now permitted to leave the residential complex where he is residing between the
2 hours of 10:00 a.m. and 2:00 p.m. each day to conduct lawful activity.

3 This modification was sought, in part, because Defendant Zhang's wife, Fan Liping, who had
4 been residing with him in Mountain View, CA since his release from custody, was required to return
5 to China before November 15, 2015, pursuant to the terms of her B-1/B-2 visa. Ms. Liping returned
6 to China on November 11, 2015. She is caring for the couple's 2-year-old son in China, and plans to
7 return to the United States in several months in order to be with her husband. Defense counsel
8 understands from Defendant Zhang's immigration counsel that whether Ms. Liping will be able to
9 return to the United States in order to be with her husband in the period before his trial is at the
10 discretion of immigration authorities. (*See* attached letter of Marc Van Der Hout, Sept. 30, 2015.)

11 The parties are actively engaged in the discovery process. To date, the Government has
12 provided to the defense approximately 975,000 pages of documents in four separate productions,
13 including complex technical materials concerning the semiconductor filter technology and the
14 patents at issue in this matter. The government's most recent disclosure, on November 11, 2015,
15 alone consists of approximately 400 gigabytes of data containing about 900,000 pages of documents.
16 Many of the documents in the most recent production are in Chinese. The defense team is working
17 to load, search, translate, and review these documents.

18 The parties are currently engaged in discussion around one discovery-related issue in
19 particular. Included in the first set of discovery produced in August 2015 was a document informing
20 defense counsel of a subset of materials produced to the FBI by the complaining company, Avago
21 Technologies, containing emails of company employees. The government permitted defense counsel
22 to review these materials only at secured computers at the FBI field office in Palo Alto, CA. Defense
23 counsel found these conditions to be unworkable for several reasons, including that there were only
24 two computers made available, that each file had to be loaded individually in order to review the
25 emails contained within that file, the inability to search within the documents, and that defense
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28

1 counsel could not print or copy materials without alerting the Government to its interest in particular
2 documents.

3 The parties have conferred several times regarding this issue, and the Government has now
4 proposed to upload the data onto a review station containing forensic review software, located at the
5 Silicon Valley Regional Computer Forensics Laboratory in Menlo Park, CA. Defense counsel is now
6 scheduled to visit this facility to use this system on December 8, 2015. The parties hope that, by
7 meeting and conferring on this issue, they can avoid involving the Magistrate Judge.
8

9 Due to the volume of discovery produced by the Government and the defense team's need to
10 review that discovery and conduct additional investigation and preparation, the parties anticipate
11 that, at the at the December 14 status conference, they will jointly request that this Court set a further
12 status conference in approximately 90 days, and to exclude time pursuant to the Speedy Trial Act for
13 that time period.
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16 Dated: December 7, 2015

NOLAN BARTON BRADFORD & OLMOS LLP

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19 /S/

Daniel B. Olmos
Attorney for Defendant Hao Zhang

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22 Dated: December 7, 2015

23 /S/

24 Matthew A. Parrella
Assistant United States Attorney
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